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FM AMEMBASSY RANGOON
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5621
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 1303
RUEHBY/AMEMBASSY CANBERRA 0124
RUEHKA/AMEMBASSY DHAKA 4449
RUEHLO/AMEMBASSY LONDON 1905
RUEHNE/AMEMBASSY NEW DELHI 3708
RUEHUL/AMEMBASSY SEOUL 7222
RUEHTC/AMEMBASSY THE HAGUE 0592
RUEHKO/AMEMBASSY TOKYO 4800
RUEHCI/AMCONSUL CALCUTTA 1029
RUEHCN/AMCONSUL CHENGDU 1028
RUDKIA/AMCONSUL CHIANG MAI 0807
RUEATRS/DEPT OF TREASURY WASHDC
RUEHGV/USMISSION GENEVA 3016
RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC
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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000068

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STATE FOR EAP/MLS; PACOM FOR FPA, TREASURY FOR OASIA:AJEWELL

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TAGS: [ELAB](#) [PHUM](#) [PGOV](#) [BM](#)

SUBJECT: BURMA'S ILO INITIATIVE STALLS AFTER UNSC VOTE

REF: A. RANGOON 061

[1](#)B. RANGOON 022

[1](#)C. RANGOON 007

[1](#)D. 05 RANGOON 1588

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Classified By: Econoff TLManlowe for Reason 1.4 (b,d)

[1](#)1. (C) Summary: After recently making hurried, but significant, progress on a mechanism to address forced labor with ILO, the GOB fell silent in the wake of the unsuccessful January 12 UN Security Council vote on the Burma resolution. ILO Liaison Officer Richard Horsey attributes the GOB's earlier eagerness to pressure from the recent ASEAN summit and the Security Council vote. The next deadline that may prompt GOB action is the March ILO Governing Board meeting, where, Horsey says, members will be ready to take further action, including referral to the International Court of Justice. End summary.

[1](#)2. (C) Richard Horsey, ILO Liaison Officer, told us on January 17 that GOB representatives told him in December that they wanted to engage the ILO again to develop an acceptable mechanism to address forced labor complaints. Progress on this issue had come to a halt with the GOB's refusal to negotiate further with an ILO delegation in October (ref D). The new approaches were not made by Labor Minister U Thaung, because, Horsey believed, the senior leadership has lost confidence in the Minister's ability to "make the ILO problem go away," and have removed him as the lead interlocutor on the issue. Horsey's recent meetings were held with the new Deputy Minister, Aung Kyi, whom he characterized as smart, no-nonsense, and down-to-earth, in sharp contrast to the Minister.

3 (C) The ILO suggested sending a Burmese delegation to its

Geneva headquarters, but the GOB instead empowered the Burmese Ambassador in Geneva to restart negotiations. Horsey speculated that a combination of factors, including the imminent UNSC vote, the ASEAN Summit, corresponding international attention on Burma, and Senior General Than Shwe's sudden absence (refs B, C) may have prompted the GOB's sudden renewed interest in finalizing an agreement.

¶4. (C) Late in 2006, after a series of meetings, the Burmese Ambassador in Geneva, Nyunt Maung Shein, gave verbal agreement in principle on the text of an agreement, and referred it back to Nay Pyi Taw for approval. The Ambassador said he expected a positive response by January 15, and the ILO was ready to host a signing ceremony in Geneva. According to Horsey, local lawyers began to explore legal changes necessary to implement the draft agreement.

¶5. (C) Horsey told us that had not heard from the Ministry of Labor or its Geneva representative since January 12, the day of the UNSCR vote (ref A). The GOB is in "gloat mode" now over the vote, Horsey said, and he will wait a few days before contacting officials for a response to see whether there is further progress.

¶6. (C) If the GOB shows no credible progress soon, Horsey said, ILO members are ready go "full steam ahead" with follow-up actions during the late March 2007 Governing Board Plenary Session, including consideration of a referral to the International Court of Justice (ICJ). This move would send a powerful signal because an ICJ advisory opinion is considered legally binding and can be referred to the UN Security Council. Sending the case to the ICJ would mark a turning point in negotiations between the ILO and Burma, Horsey said, and would make it clear that diplomatic initiatives will end.

According to Horsey, ILO lawyers have begun to review how the ILO could submit the question to the Court, and, if so,

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which question would be most helpful to further progress on forced labor in Burma.

¶7. (C) Comment: Burma's last minute efforts to make progress with the ILO seem part of the overall regime strategy to deflect international criticism before the UNSC vote. Emboldened by China's and Russia's UNSC vetoes but with ILO members clearly committed to further action in late March, the regime will soon have to decide whether it is willing to risk Burma again becoming the principal topic of discussion before a major international organization. End Comment.
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